

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6735**

**BILL NUMBER: SB 492**

**NOTE PREPARED: Jan 4, 2005**

**BILL AMENDED:**

**SUBJECT:** Lifetime Probation for Child Molesters.

**FIRST AUTHOR:** Sen. Zakas

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It provides that a repeat child molester may be placed on lifetime probation.
- B. It permits the court to hold a lifetime probationer who has violated a condition of probation in contempt of court if the lifetime probationer has completed the underlying sentence.
- C. It permits a court to institute involuntary commitment proceedings against a lifetime probationer who has violated a condition of probation if the court believes that the probationer is mentally ill and dangerous.
- D. The bill also makes conforming amendments.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** *Civil Commitment:* If an offender is committed to the Division of Mental Health and Addiction of the Family and Social Services Administration (FSSA), any expenditures would depend on the cost of the facilities these offenders may be housed in or, if an interagency agreement is reached, what Department of Correction (DOC) facilities might house them. The estimated cost of housing is based on the annual cost per patient at the Isaac Ray Unit at \$375 per day, or \$136,875 per year. FSSA also indicates that the hospital facility would incur an additional cost of \$31,487 for security costs per year for each predator.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Any local impacts of this bill will depend on the sentencing patterns of the courts. It is assumed that under current law, the earliest year that this bill would begin to affect probation

workload would be 2009. The estimated effects on the future workload of county probation departments will depend on the average age of the offenders at the time of release from prison, the number of offenders being released, and the earliest year when offenders would be released on probation. Assuming that offenders live to an average age of 77, an additional 814 offenders could be on probation statewide by the year 2046.

Child molesting is a Class C felony and can be enhanced to either a Class B or A felony depending on the age of the victim, the sexual act involved, and whether force or the threat of force is used.

*Potential Number Affected and Earliest Possible Year Counties Would be Affected:* The following shows the number of offenders sentenced for child molestation with a prior felony who have been released from the Department of Correction between FY 2000 and 2004, the shortest length of stay, and the earliest that an offender may be released and eligible for lifetime probation. (Note: The type of prior felony is not known. It is assumed that the prior felony is child molestation.)

| <b>Statewide Impact on Probation Departments Due to Lifetime Probation for Offenders Sentenced for Child Molesting with Prior Conviction of Child Molesting</b> |            |
|---|------------|
| Offenders with Prior Offense Released to Probation Between 2000 and 2004  | 108        |
| Average Number Released per Year (Rounded)  | 22         |
| Average Age at Release  | 40         |
| Average Length of Stay (In Years) in DOC  | 3          |
| First FY Counties Would Be Affected Based on FY 2006 Commitment Year  | 2009       |
| Average Age at Death  | 77         |
| Number of Years Offenders Would Have to Be on Probation   | 37         |
| <b>Accumulated Number of Offenders on Lifetime Probation</b>  | <b>814</b> |

*Civil Commitments:* If an offender violates the terms of probation, the court supervising the offender may decide to initiate commitment proceedings and the county would incur added costs for the legal defense of the offender.

**Explanation of Local Revenues:** Offenders would continue paying a probation user fee for a longer period of time. The initial fee is between \$25 and \$100, and the monthly fee is between \$15 and \$30.

**State Agencies Affected:** FSSA; DOC.

**Local Agencies Affected:** Counties.

**Information Sources:** Department of Correction

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